

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

VS.

HUY TAN NGUYEN,

Defendant.

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CRIMINAL NO. H-05-0492-5


MEMORANDUM AND ORDER

Pending before the Court is Defendant's motion for disclosure of the identity and location of the government's confidential informant. After considering the parties' filings and oral arguments, the Court finds that the motion, Docket No. 104, should be and hereby is **DENIED**.

This ruling is without prejudice to a subsequent motion by one or more of the Defendants. As the Supreme Court has made clear, a request for disclosure of an informant's identity "calls for balancing the public interest in protecting the flow of information against the individual's right to prepare his defense." *Roviaro v. United States*, 353 U.S. 53, 62 (1957). This Court may ultimately strike a different balance if Defendant can adduce facts, such as those contemplated in *Roviaro*, to show that non-disclosure is prejudicial to Defendant's trial preparation.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 27th day of February, 2006.

A handwritten signature in dark ink, appearing to read "Keith P. Ellison", is written over a horizontal line.

KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**